

DETAILED ACTION

Response to Appeal Brief

1. In response to the appeal brief filed December 10, 2007:
 - a. Claims 11-15, 28, and 29 are pending.
 - b. The previous rejection of record has been withdrawn, and an examiner's amendment has been made. Reasons for allowance are listed below.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Robbins (representative for Travis Dodd, attorney of record) on February 11, 2008.

The application has been amended as follows:

- a. In the specification, amend the paragraph starting at page 1, line 2 (as inserted in the preliminary amendment filed October 27, 2003) as follows:

“ **CROSS REFERENCE TO RELATED APPLICATIONS**

This application is a Divisional of U.S. Patent Application No. 10/034,990 filed December 29, 2001, which has been issued as U.S. Patent No. 6,673,489.”

Allowable Subject Matter

3. Claims 11-15, 28, and 29 are allowed.

The following is an Examiner's statement of reasons for allowance: none of the prior art of record, alone or in combination, appear to teach, suggest, or render obvious the invention of at least claim 11.

Claim 11 teaches an energy storage device comprising the elements therein. Notably, the energy storage device comprises of a disk-shaped plug, wherein the plug includes aluminum, is connected to the cover, has a layer of metal or metal alloy material other than aluminum on a top surface of the plug, wherein the layer is in electrical communication with the aluminum included in the cover so as to form a terminal of the energy storage device.

Okada et al. teach a battery comprising a case. The battery has an electrode assembly [7], aluminum cover [2], and aluminum/aluminum alloy sealing member [26] (plug) (fig. 3; col. 3, lines 26-30; col. 4, lines 54-62; col. 5, lines 34-60). However Okada et al.'s plug [26] does not have a separate layer, nor does it serve as the terminal (note [12] is stated as the negative terminal). Therefore Okada et al. does not teach an aluminum/aluminum alloy plug that acts as a terminal, as a terminal already exists. Furthermore, no motivation would exist for making plug [26] of Okada et al. the terminal, as a terminal already exists. Additionally, Okada et al. does not teach a multi-layer plug. No motivation exists to make the plug out of multiple layers of different materials. In fact, doing so would complicate manufacturing of the battery. Therefore, Okada et al. does not teach, suggest, or render obvious the invention of at least claim 11. Since claims 12-15, 28, and 29 are dependent on claim 11, they are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENIA WANG whose telephone number is (571)272-4942. The examiner can normally be reached on 7 - 4:30 Mon. - Thurs., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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